

## REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on July 19, 2006, and the references cited therewith.

Claim 21 is amended, no claims are canceled, claims 12-16 are withdrawn, and no claims are added. Claims 1-23 are pending in this application.

### Affirmation of Election

Applicant elects to prosecute the invention of Species D, claims 1-11 and 17-23. The claims of the non-elected invention, claims 12-16, stand withdrawn.

### Claim Objections

Claim 21 was objected to because of the following informalities: The limitation "the injection material" lacks proper antecedent basis. Examiner believes that claim 21 was intended to depend from claim 20 and is being treated as such. Appropriate correction was required. Applicant has amended claim 21, as suggested by the Examiner, to depend from claim 20. Applicant respectfully submits that this amendment was to correct a dependency error, and not in response to any documents cited in the office action.

Applicant respectfully requests reconsideration and allowance of claim 21

### § 102 Rejection of the Claims

Claims 17 and 22 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,820,595 to Parodi (hereinafter "Parodi"). Applicant respectfully traverses the rejection as follows.

Applicant respectfully submits that Parodi does not teach all the elements as recited in claims 17 and 22. For example, Parodi does not appear to teach an expandable saddle member, as provided in claim 17. In the Office Action it was asserted that, "Parodi discloses a catheter with two balloons (170, 180) further comprising an expandable stent (302) and an expandable saddle member (302)."

(page 3). However, Parodi states, "the catheter 150 of the present invention may include a prosthesis, or graft, 350 and means for securing 300 the prosthesis 350 within the body passageway 151." (col. 7, lines 7-10). Parodi then goes on to state:

Each securing means 300 may be at least one expandable tubular shaped member 302. Any known type of intraluminally deliverable expandable member 302 could be utilized as securing means 300 provided it has the ability to be secured to a prosthesis and carried on an inflatable member of a catheter and expanded from a first diameter  $D_1$ , which permits intraluminal delivery of the expandable member 302, to a second expanded  $D_2$ , in order to secure the expandable member 302 and prosthesis 350 to the interior wall 153 of the body passageway 151 (FIGS. 7 and 8). (col. 7, lines 27-37).

So, Parodi discloses an expandable member 302 which could be utilized as securing means 300, however, Parodi does not disclose an expandable support member and an expandable saddle member, as provided in claim 17.

Based on the forgoing, Applicant respectfully submits that Parodi does not support a proper 102(b) rejection of claim 17. Applicant respectfully requests reconsideration and withdrawal of the 102(b) rejection for independent claim 17, as well as those claims which depend therefrom.

Claims 17 and 19 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,468,239 to Tanner et al. (hereinafter "Tanner"). Applicant respectfully traverses the rejection as follows.

Applicant respectfully submits that Tanner does not teach all the elements as recited in claims 17 and 19. For example, Tanner does not appear to teach an expandable saddle member, as provided in claim 17. In the Office Action, it was asserted that, "Tanner et al. discloses a catheter with two balloons further comprising an expandable support member (60) and an expandable saddle member (60) wherein an evacuation port (46) lies between the two expandable balloons." (page 3). However, Tanner states,

The placement means also comprises inflatable cuff means for securing the placement means to the tissue area within the body cavity. Although the present invention may be embodied in other specific forms without departing from its spirit or essential characteristics, the inflatable cuff means comprises at least one recessed area 58 along the placement means having at least one inflatable cuff 60 residing therein to secure the placement means to tissue area about the body cavity when the at least one inflatable cuff 60 is in an inflated condition." (col. 11, lines 36-45).

So, Tanner discloses an inflatable cuff 60 which can be utilized as a placement means, however, Tanner does not disclose an expandable support member and an expandable saddle member, as provided in claim 17.

Based on the forgoing, Applicant respectfully submits that Tanner does not support a proper 102(b) rejection of claim 17 and 19. Applicant respectfully requests reconsideration and withdrawal of the 102(b) rejection for independent claims 17, as well as those claims which depend therefrom.

Allowable Subject Matter

Applicant thanks the Examiner for identifying that claims 1-11 are allowable over the prior art of record, and that claims 18, 20, 21 and 23 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 236-0122 to facilitate prosecution of this matter.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AMENDMENT Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 6<sup>th</sup> day of October, 2006.

Sarah L Reinhard

Name

Sarah L Reinhard

Signature

Respectfully Submitted,  
William J. Drasler, et al.

By their Representatives,  
BROOKS & CAMERON, PLLC  
1221 Nicollet Avenue, Suite 500  
Minneapolis, MN 55403

By: Joseph C. Huebsch  
Joseph C. Huebsch  
Reg. No. 42,673

Date: Oct. 6, 2006